

Unless you have learned that the East Oregonian reaches nearly all the desirable customers, you have a business tooth to cut.

East Oregonian

WEATHER FORECAST.

Tonight and Friday cloudy and threatening with rain or snow.

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PENDLETON, OREGON, THURSDAY, DECEMBER 24, 1904.

NO. 5237.

PATTERSON CASE IN JURY'S HANDS

Crowd So Great a Large Force of Special and Mounted Police is Ordered Out.

LEGITIMATE LIMITS
OF A VERDICT DEFINED.

Prosecution Reliterates Theory That Young Could Not Have Fired the Shot Which Killed Him—Judge Gives Lengthy Exposition of What Constitutes a Reasonable Doubt—Court Included Certain Testimony of Value to Prosecution—Indications of Protracted Session.

New York, Dec. 22.—Justice Davis during the recess he would not charge the jury until tomorrow, and prosecutor Rand began the summing up the prosecution when court opened at 2. He agreed with the defense that either Young killed himself, or the defendant killed him. He declared it physically impossible for Young to fire the shot which caused his death.

Charging the Jury.
New York, Dec. 22.—Judge Davis commenced his charge to the jury in the Patterson case at 10:55 this morning. The court room was crowded and many turned away. Sir Charles Wyndham, the English actor, is an interested spectator of the proceedings.

Before beginning the charge the judge asked the counsel if they had any requests to make. Lawyer Underhill, for the defense, submitted a long written document, and Justice Davis gave a lengthy exposition of the questions of reasonable doubt. After considering the question of motive, the justice explained the difference in degree of murder and manslaughter, and said the jury is not bound by any statement of counsel that he would accept only an accidental or a verdict of murder in the first degree. He told them to pass upon the testimony of the defendant as upon that of any other witness. The court excluded all testimony regarding the disappearance of J. Edgar Smith.

Gone to the Jury.
The jury retired at 12:25. When the jury had been out 35 minutes, and with no sign of having reached an agreement, the court ordered a recess until 2.

Jury Still Out.
Justice Davis left the court room at 4:45, with instructions that he would be accessible by telephone at home up till 11 tonight. If no verdict is reached by that time the court will stand adjourned until 10:30 tomorrow.

Great Crowd of Police.
The crowd of curious persons about the criminal court building is so great this afternoon that additional details of police supported by mounted police are required to keep them back. All the entrances are guarded. At 3:20 Nan Patterson was in the court house awaiting the verdict. While showing some signs of nervousness, she seemed perfectly confident of acquittal.

CROWN PRINCESS BANISHED.

Her Only Fault Her Longing to See Her Children.

Berlin, Dec. 22.—Former Crown Princess Louise, the divorced wife of the king of Saxony, today made a desperate effort to see her children. She was repulsed by the sentries. The police served notice of her expulsion, and she will be sent from the front under police surveillance this afternoon. Louise wrote a letter to the king imploring his permission to see her children. The police insisted on her departure from Dresden, which occurred at 4 this afternoon. The people made demonstrations in favor of the princess at her departure.

Howdyshell-Cargill.

Adelbert Cargill and Miss Bille Howdyshell, of Stage Gulch, were united in marriage December 22, at the home of Mrs. J. L. Denison, on College street, in Pendleton. They will make their home on Stage Gulch. Rev. G. W. Rigby officiated.

Died of Basal Cancer.

Missoula, Mont., Dec. 22.—While Beck, aged 31, a Harvard student, died this morning of cancer, the result of being hit on the leg with a baseball at the university last spring.

IS A HEPPNER MAN.

Confessed to Gambling House Robbery at Tacoma.

Tacoma, Wash., Dec. 22.—Charles Howe, one of the men arrested on a charge of robbing the Pullman gambling house last night, has confessed to Chief of Police Maloney. Howe declares the other prisoners are innocent and says he did the work alone. The money was recovered. Howe is a professional gambler. He says his home is in Heppner, Or.

Howe entered the Pullman gambling rooms, which are located on Pacific avenue, and covered the three employees present with a gun. He compelled one to empty the money on the table in a sack, and fled by the back door. He secured \$345.

New Allan Line Launched.

London, Dec. 22.—The steamship Virginian, the second of the pair of turbine steamships constructed for the Allan line, was launched today by her builders at Linthouse, near Glasgow. The vessels are to make their first voyage to the Canadian winter ports, and when winter navigation opens in the St. Lawrence next year they will be placed on the regular Liverpool-Montreal service.

Alaska Promotions.

Washington, Dec. 22.—The president today sent to the senate the nomination of James Wickersham to be judge of the district court of Alaska, and John W. Cobb, of Pennsylvania, to be assistant agent for the protection of the fisheries in Alaska.

TEAM RAN AWAY WITH A CORPSE

FIKE ALARM AROUSED
THE TRAINED HORSES.

They Followed the Procession to the Fire Drawing the Improvised Hearse Containing the Body of a Fireman—Were Stopped With Difficulty and the Obsequies Proceeded After the Unexpected and Shocking Interruption.

La Crosse, Wis., Dec. 22.—The clanging of the fire alarm, jarring discordantly with the muffled bell, yesterday turned the funeral of Thomas Proff, the oldest fireman of La Crosse, into a rout. The coffin, laid and draped on a horse cart, drawn by two of the finest horses in the service, was opposite the central station when the alarm sounded. Behind it was the large aerial truck. With a swing it was guided out of the procession, and started to the fire. Scarcely had it cleared the procession when the horse cart carrying the coffin swung into line, the horses struggling madly to follow their mates, but were checked after running some distance.

When the aerial truck whirled from the cortege the firemen acting as pallbearers, sprang to the apparatus and were carried to the scene of the fire. The funeral was postponed until the blaze was extinguished, when the services were resumed.

WISCONSIN TEACHERS.

Represented From District Teachers to University Professors.

Milwaukee, Wis., Dec. 22.—Educators of Wisconsin have completed arrangements for their several annual meetings which are held here during Christmas week and which are composed of all classes engaged in the school work from the president of the university to the humblest teacher in the district school.

The most important meeting is that of the State Teachers' Association, which convenes next Tuesday for a session of three days. The adjuncts of this association, consisting of school officers, high school and county school sections, and town and county superintendents, will also hold meetings. The Wisconsin Academy of Sciences, which is intimately connected with the educational association, and whose sessions are enlivened by a subdivision into various scientific sections, will meet at the same time.

It is expected that several hundred pedagogues will be here during the week. The work will be confined entirely to subjects of interest to persons engaged in the different branches of school work.

Reclamation in Harnes.

W. E. Burke has been in from his big land tract the past week, superintending the making of some large pulleys and other machinery which he will use to sink a large well for irrigating purposes. Mr. Burke's company has contracted to reclaim 10,000 acres under the Carey act, and will establish pumping stations on the tract for this purpose.—Burns Times-Herald.

Jackson McCracken is dead at Santa Cruz, Cal., aged 81 years. He was a member of the first territorial legislature of Arizona, and its first speaker, and the discoverer of the famous McCracken gold mine.

JAPANESE FLEET APPEARS IN THE MALACCA STRAITS

Has Gone to Intercept the Baltic Fleet—Polish Women in Open Revolt Against Conscription.

Subjected by Cossacks Armed With Whips — Japanese Gain Important Ground Near Port Arthur, But May Have Lost 203 Meter Hill—Rumored Offers of Mediation—The Czar Is Utterly Intolerant Toward the Liberal Element in Russia.

Singapore, Dec. 22.—Two Japanese battleships, four cruisers and 12 destroyers have passed here, steaming westward. It looks as if a concentrated attack on the Baltic fleet is planned.

Gone to Meet Them Half Way.

Singapore, Dec. 22.—Two Japanese warships, apparently converted cruisers, have been seen off Singapore.

Japanese Driven Out.

St. Petersburg, Dec. 22.—Kurapatkin reports that during a series of reconnaissance yesterday the Japanese were driven out of their entrenchments in the woods near the railway bridge across the Shakhe river, and their entrenchments were destroyed.

Commission Organized.

Paris, Dec. 22.—The North Sea inquiry commission met in the office of the foreign minister at 10 this morning. Admiral Kananakoff, dean of the commission, presided. Admiral Pourinier was elected president. Admiral Spaun, of Austria, was chosen the fifth member. The commission adjourned until January 9.

Witnesses Arriving.

Bordeaux, France, Dec. 22.—The steamer Paraguay arrived this morning with four officers from the Russian Baltic fleet whom Admiral Rostovsky put ashore at French Congo in order that they might return to testify before the North Sea commission. They bring a detailed report from Rostovsky, and other important papers.

Japs Gain Important Positions.

London, Dec. 22.—The Tokio correspondent of Reuters' wires that the Japanese have captured some important positions on Pigeon Bay, to the west of Port Arthur.

Rumors of Mediation.

London, Dec. 22.—The St. Petersburg correspondent of the Central News wires that a persistent rumor is current in the Russian capital that England and France will shortly attempt to mediate in the Far Eastern war. Official confirmation is lacking.

Polish Women Rebel.

St. Petersburg, Dec. 22.—An anti-war riot was started today by women

WASHINGTON AT WALLA WALLA.

Will Lecture at Whitman College in June Next.

Booker T. Washington, the distinguished leader of the colored race in America, will be in Walla Walla next June and speak at Whitman College, says the Statesman. He will talk on some phases of the negro problem in the college chapel on the evening of June 13. An effort will be made to get him to stay over for commencement and the council dinner, which will take place on the following day.

Booker T. Washington, often called the "negro Moses," is undoubtedly the greatest colored man in America today. Born in the humblest circumstances nearly half a century ago, child of a slave mother, he is today the recognized leader of his race, an eloquent orator, interesting writer and holds learned degrees from some of the best educational institutions in the country.

\$1,000 Per Acre.

Clarkston real estate improved by an orchard three years of age is worth \$1000 an acre in cash, for this is substantially the price Mrs. Maggie A. Fehr received for two and a half acres of land facing south on Libby street, near Twelfth. There are no improvements in the way of buildings.

There are nearly 200 trees on the place, together with a great many grape vines, were set out by Mrs. Fehr two and three years ago. Of course, the ground is situated in the heart of the Clarkston-Vineland fruit paradise but there is nothing in connection with its location that especially increases its value over any other place of equal area and same growth of trees and in this sale Mrs. Fehr is entitled to the credit of establishing the fact that fruit land in Clarkston-Vineland set with trees but three years old, is worth \$1000 an acre.

The purchaser of the property is Jacob Switzer, formerly of Colfax.

in the town of Dembia, Poland, wives of reservists. They gathered in the town hall, demanding relief from their destitute conditions, charged the police, put them to flight, then stormed the town hall, and captured the mayor, who was later released by Cossacks, who drove the women off with knouts.

Russia's King George III.

St. Petersburg, Dec. 22.—According to an official messenger, the czar appended the following note to the telegram from the president of the senate, requesting reforms in state matters:

"I consider the action of the president presumptuous and tactless. Questions of state administration are of no consequence to the masses, whose functions and rights are clearly defined by law."

Sevastopol Considered Useless.

Tokio, Dec. 22.—The following was received from Port Arthur the morning of December 19:

The Sevastopol, torpedoed by the Japanese fleet, immediately listed 10 degrees to the right, remaining fast on the shallow shore at the foot of Laire mountain. The vessel is considered absolutely useless for further offensive operations. The bombardment of Russian gunboats and torpedo craft in the harbor continues.

Three Destroyers Left.

Tokio, Dec. 22.—Only three Russian torpedo destroyers at Port Arthur are in a seaworthy condition.

Japs Capture New Positions.

Tokio, Dec. 22.—A Port Arthur dispatch states:

"The right column of the army at 5 this morning drove the enemy from the eminence north of Housanyentao on Pigeon Bay. We then occupied the position, and at 7 dislodged the enemy from the height on the peninsula, which we re-occupied, taking one gun. The enemy made a counter attack, but were repulsed. At present our occupation of the positions is practically secure."

Recapture of 203 Meter Hill.

St. Petersburg, Dec. 22.—Kurapatkin wires he has received a report from Chinese sources that the Russians recaptured 203 Meter Hill outside of Port Arthur and seized the guns mounted by the Japanese in the fort.

who will immediately erect a house and occupy the premises as his home.—Lewiston Tribune.

SUSTAINED THE WILL.

Miss Dolbeer's Nurse Gets Immense Fortune.

San Francisco, Dec. 22.—The jury in the Dolbeer will case, in which \$1,500,000 is involved, returned a verdict this morning in favor of Etta Warren, to whom the bulk of the fortune was bequeathed by Bertha Dolbeer, the young society woman who suicided at the Waldorf-Astoria last spring by jumping from a fifth-story window. Adolph Schander, an uncle, contested the will, claiming the niece was insane at the time the instrument was drawn up.

Chicago Grain.

Chicago, Dec. 2.—May wheat opened \$1.12½, closed \$1.11½. Corn opened 45½, closed 45½. Oats opened 21½, closed the same.

Nearly Electrocuted.

Roy Carson, a lineman for the Bell Telephone Co., narrowly escaped instant death about 11 o'clock this morning, but as it was he escaped with a badly burned hand and foot. He was repairing a line opposite the cemetery on Warm Springs avenue, when he came in contact with a live electric wire. For a short time it was thought he was dead but he soon regained consciousness and was able to walk back to town.—Boise Capital News.

Contagion at Baker City.

Poundmaster Boyd, detailed in the health department, reported that there are now 17 houses quarantined for contagious diseases, 13 of which are for scarlet fever, three diphtheria and one smallpox, a decrease in the total number of cases since last week.—Baker City Democrat.

MORE SENTENCES.

Democrats Being Punished for Contempt of Court.

Denver, Col., Dec. 22.—City Detective W. H. Green, John Desaye, Frank McMahon and Robert Goodman were sentenced today to the supreme court to six months in jail and \$100 fine, for contempt of court in connection with election frauds in precinct 3, ward 4.

CHADWICKS INDICTED.

Mrs. Chadwick's Husband Not Held Guilty.

Cleveland, Dec. 22.—Dr. Chadwick and Mrs. Chadwick were indicted this afternoon by the Cuyahoga county grand jury on two counts, charging forgery and uttering a \$5,000,000 note signed Andrew Carnegie.

Mysterious Portmanteau Found.

Cleveland, Dec. 22.—The mysterious portmanteau belonging to Mrs. Chadwick, and supposed to contain valuable papers and securities which were taken from the Chadwick home the night prior to the woman's departure for New York, has been traced to the woman's attorney, Jay P. Dawley. He admits he has the contents, but says they are of no value in any court.

Liar! Liar! Liar!

New York, Dec. 22.—Cornelius Bliss, treasurer of the republican national committee, said today that Lawson's \$5,000,000 campaign fund story in the coming January number of Everybody's is absolutely false.

ANNUAL STATE FAIR AS USUAL

SUCH IS THE DECISION
OF STATE FAIR BOARD.

Exact Date Will Be Determined at the January Session of the Board—Believed the Rate of Attendance Can Be Kept Up in 1905 to the Average—Thought That to Miss Holding the Fair Next Year Would Weaken Public Interest.

Mayor W. F. Matlock returned this morning from Salem, where he attended the annual meeting of the state fair board, of which he is a member. It was decided at the meeting to hold the fair next fall, and the board will convene in Portland next month for the purpose of settling the dates.

"The board members," said Mr. Matlock, "decided that it would be better to hold the fair next fall the same as usual, rather than allow it to go by for a year and thus destroy interest in the event. There is every reason to believe the attendance in 1905 will be equally as good as it was last fall."

The annual election of officers was held at the Salem meeting, all the old ones being retained in office.

WILL BUILD SNAKE RIVER ROAD.

Active Work Being Pushed on the Proposed Line Along Snake River.

A large amount of railroad ties and other construction material are accumulating at Huntington and a corps of surveyors are out along the line of the proposed road down Snake river setting the grade stakes. It begins to look like the road will be built and the people who will be benefited by its construction are feeling very jubilant. This road has been tied up with certain mining interests down Snake river but it is now believed that everything is satisfactorily settled and that the Harriman system has secured control and will push the road to an early completion.

Killed in Coal Mine.

Johnston, Pa., Dec. 22.—Twenty-five men are reported killed by an explosion in a mine at Bolivar, 16 miles west. Seven bodies have been taken out.

New Railroad Mileage.

It has been thought by those in position to know that the era of railroad building had come to a close, and now we are informed by the department of commerce and labor that the mileage of new roads in the United States for the year 1904 will reach the enormous figure of 4600, exclusive of Alaska and insular possessions. The increase is equivalent to a single track from the Atlantic to the Pacific, and from the Great Lakes to the Gulf of Mexico.

The most notable in this year's building is the great Southwest, with 1800 miles of track. This is largely in Texas, which, by the way, is the first in railway mileage as it is in extent of territory. The Northwest has added 617 miles; the South, east of Texas, comes in with 602 miles; the Pacific states wheel into line with 562 miles of steel rails; and so the great railway interests continue to develop. It is thought that at no distant day the West will be gridironed as the New England and Middle states have been for years.

COUNCIL MAKES THE ANNUAL LEVY

For General Purposes Five Mills and for Street Improvement Two Mills.

EXPENSES OF THE CITY
FOR THE YEAR \$30,000.

Taxable Property in the City Now Amounts to Over One and One-half Million Dollars—Hereafter Trains Will Be Allowed to Stand on Crossings But Five Minutes, With a Maximum Fine of \$50 for Violation—Cars Can Hereafter Be Unloaded Only at Depots and Warehouses.

The city council last night passed an ordinance fixing the tax levy for 1904 at 7 mills. For general purposes the tax will be 5 mills, and for special street improvement 2 mills. The poll tax was fixed at \$2.

According to the assessment rolls the amount of taxable property in the city this year is \$1,519,553.30, and the general expenses of city government will by December 31, amount to about \$30,000.

An ordinance was passed repealing the old one allowing trains to stop on street crossings 20 minutes, and cutting the time to five minutes. A fine of from \$5 to \$50 is provided for violations of this regulation. The new ordinance also makes it unlawful to load or unload cars in the streets except at depots or warehouses, especially provided.

The petition of the Birch Creek Mutual Telephone company for a franchise to erect, operate and maintain a telephone line in certain streets of the city was granted, and an ordinance to that effect passed. The new telephone company is to grant the city the free use of its lines. The life of the franchise is 19 years.

Liquor licenses were granted Griffin & Murrell, and George Darveau. All members of the council were present last night. Chairman Dickson presided in the absence of Mayor Matlock.

F. P. MAYS INDICTED.

Portland Lawyer Involved in Land Fraud Scandals.

Portland, Dec. 22.—The first sensational indictments which it had been expected would result from the grand jury were returned today. Present investigations by the federal grand jury were returned today. Franklin Pierce Mays was accused of having conspired to defraud, the United States government of public lands situated in township 24, range 1 east.

The township is located in California mountains, between Lane and Douglas counties. Mays is a prominent young lawyer of this city, and a member of one of the prominent pioneer families of the state.

The indictments also include McKinley, Futer, Emma Watson, already convicted of conspiracy against the government, Marie Ware, the defendant in the first land frauds case, who was acquitted, Robert W. Simpson, John Doe and Richard Roe. The last three, like Mays, have not hitherto been connected with the cases so far as known.

The indictment alleges that these persons conspired to defraud the government December 23, 1901, by the use of false and forged applications, affidavits and proofs of homestead entry and settlement.

Part of the applicants, the indictment says, were fictitious; but the others were secured by Futer and McKinley.

American for Business.

The distinguished English manufacturer, W. S. Laycock, recently gave expression to the following sentiment, relative to the business ability of Americans and what we are accomplishing in certain lines: "Twenty years ago I used to come to the United States and sell goods; now I come to buy. The American manufacturers have completely outstripped the English in price, in quality, in everything. In the railway supply business, especially, it is American invasion with a vengeance. I have just built a shop in Sheffield and everything in it is American-made, except the boilers. You have the greatest country in the world for business."

Black Is a Candidate.

New York, Dec. 22.—Former Governor Black's candidacy for the United States senatorship is formally announced by Louis F. Payne, Black's chief supporter. The Dewey people make no secret of their concern.